

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Wells Fargo Bank, N.A., as Trustee for the
Certificateholders of Morgan Stanley ABS
Capital 1 Inc., Trust 2005-WMC5, Mortgage
Pass-Through Certificates, Series 2005-
WMC5,

Plaintiff,

vs.

Marisa D. Hightower,

Defendant.

CIVIL ACTION NO: 2:21-cv-00302-JDL

RE:

24 Eggert Way, Naples, ME 04055

CONSENT JUDGMENT OF
FORECLOSURE AND SALE

Mortgage:

March 22, 2005

Book 22442, Page 188

Cumberland County Registry of Deeds

NOW COMES the Plaintiff, Wells Fargo Bank, N.A., as Trustee for the Certificateholders of Morgan Stanley ABS Capital 1 Inc., Trust 2005-WMC5, Mortgage Pass-Through Certificates, Series 2005-WMC5, and the Defendant, Marisa D. Hightower, and hereby submit this Consent Judgment of Foreclosure and Sale.

Count II – Breach of Note, Count III – Breach of Contract, Money Had and Received, Count IV – Quantum Meruit, and Count V – Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

If the Defendant or their heirs or assigns pay Wells Fargo Bank, N.A., as Trustee for the Certificateholders of Morgan Stanley ABS Capital 1 Inc., Trust 2005-WMC5, Mortgage Pass-Through Certificates, Series 2005-WMC5 (“Wells Fargo”) the amount adjudged due and owing (\$304,010.40) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A § 6322 (West 2022), Wells Fargo shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The

following is a breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$119,947.09
Interest	\$133,339.50
Escrow Advance	\$45,876.70
Advance Balance	\$3,303.98
Late Charges	\$255.41
Interest on Advance	\$1,287.72
Grand Total	\$304,010.40

1. If the Defendant or their heirs or assigns do not pay Wells Fargo the amount adjudged due and owing (\$304,010.40) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Naples Property shall terminate, and Wells Fargo shall conduct a public sale of the Naples Property in accordance with 14 M.R.S.A. § 6323 (West 2022), disbursing the proceeds first to itself in the amount of \$304,010.40 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 4 of this Judgment, and in accordance with 14 M.R.S.A. § 6324 (West 2022). Wells Fargo may not seek a deficiency judgment against the pursuant to the Plaintiff's waiver of deficiency.
2. Pursuant to 14 M.R.S.A. § 2401(3)(F) (West 2022), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
3. The amount due and owing is \$304,010.40.
4. The priority of interests is as follows:
 - Wells Fargo Bank, N.A., as Trustee for the Certificateholders of Morgan Stanley ABS Capital 1 Inc., Trust 2005-WMC5, Mortgage Pass-Through Certificates, Series 2005-WMC5 has first priority, in the amount of \$304,010.40, pursuant to the subject Note and Mortgage.

- Marisa Hightower has second priority behind the Plaintiff.

5. The prejudgment interest rate is 3.62500%, *see* 14 M.R.S.A. § 1602-B (West 2022), and the post-judgment interest rate is 0.15%, *see* 28 U.S.C.A. § 1961 (West 2022).
6. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Wells Fargo Bank, N.A., as Trustee for the Certificateholders of Morgan Stanley ABS Capital 1 Inc., Trust 2005-WMC5, Mortgage Pass- Through Certificates, Series 2005-WMC5 101 North Phillips Avenue Sioux Falls, SD 57104	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center, Suite 303C Beverly, MA 01915
DEFENDANT	Marisa Hightower 24 Eggert Way Naples, ME 04055	Pro Se

- a) The docket number of this case is No. 2:21-cv-00302-JDL.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 24 Eggert Way, Naples, ME 04055, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 24 Eggert Way, Naples, ME 04055. The Mortgage was executed by the Defendant, Marisa Hightower on March 22, 2005. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 22442, Page 188.
- e) This judgment shall not create any personal liability on the part of the Defendant, as the

parties have agreed to waive any deficiency, but shall act solely as an *in rem* judgment against the property, located at 24 Eggert Way, Naples, ME 04055.

Respectfully Submitted,
Plaintiff,
By its attorneys

Dated: November 1, 2022

/s/Reneau J. Longoria, Esq.
Reneau J. Longoria, Esq., Bar No. 5746
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DATED: October 31, 2022

/s/Marisa Hightower
Marisa Hightower
24 Eggert Way
Naples, ME 04055

SO ORDERED.

Dated: November 8, 2022

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

